BOARD OF SUPERVISORS

GILA COUNTY, ARIZONA

Date: August 23, 2005

JOSÉ M. SANCHEZ STEVEN L. BESICH

Chairman Clerk of the Board

TOMMIE C. MARTIN By: Marilyn Brewer

Vice-Chairman Deputy Clerk

SHIRLEY L. DAWSON Gila County Courthouse

Member Globe, Arizona

PRESENT: Jose M. Sanchez, Chairman; Tommie C. Martin, Vice-Chairman; Shirley L. Dawson, Member; Steven L. Besich, County Manager/Clerk; Marian Sheppard, Chief Deputy Clerk; and, Bryan Chambers, 2nd Chief Deputy County Attorney.

The Gila County Board of Supervisors met in Regular Session at 10:00 a.m. this date. Steve Besich led the Pledge of Allegiance and Reverend Dan Lowe of Maranatha Baptist Church delivered the Invocation.

Daisy Flores, Gila County Attorney, presented the quarterly Officer Recognition Award to Sergeant Ray Hernandez of the Globe Police Department. She stated that Mr. Hernandez has been with the Globe Police Department for 18 years and served in every facet of that department. Ms. Flores stated that Mr. Hernandez has been instrumental in the prosecution and conviction of some of the more serious offenders and many of the criminals in our County jurisdiction making it safer for the community, and it gave her great pleasure to recognize all of the hard work he puts into protecting the community. Mr. Hernandez briefly spoke on the team work with all of the other officers in his department and stated he was accepting the award on their behalf as well. On behalf of the Board, Chairman Sanchez thanked Mr. Hernandez and asked the other personnel present from the Police Department to stand and be

recognized. He also thanked Ms. Flores for having this program to recognize the officers on a regular basis.

Gary Hatch, Diamond Star Water Coalition (DSWC) representative, made a presentation concerning water-related issues pertaining to the Diamond Star area. He stated that on May 8, 2005, 7 members of the DSWC and 3 staff members from the Town of Payson held a meeting. No members of the Payson Town Council were present. At this meeting the DSWC asked if the wells had been tested at the old County landfill in the Star Valley dump site previous to the present administration. The DSWC were told the wells were not tested and the Town of Payson had no intention of testing them. Mr. Hatch questioned that if the wells were not going to be tested, how could the residents of Star Valley be calmed down concerning contamination of their water. The representatives of the Town of Payson responded that it was Gila County's responsibility as the landfill is located on County property. Mr. Hatch stated that he then contacted Supervisor Dawson about getting well samples tested, and he has been told that the County is in the process of getting these samples pulled. He stated that in a letter dated August 12, 2005, Mike Ploughe, hydrologist for the Town of Payson, (who had been at the May 8, 2005, meeting and who wouldn't do the testing) informed Sharon Radanovich, Manager of Gila County's Solid Waste Department, of the results of his tests showing that minor leaching from the landfill may be occurring. Mr. Ploughe also stated in the letter that there was nothing to worry about as the water was going to the southwest, which is the direction of flow, off from underneath the landfill, and this information was derived from the Town of Payson's 1991 documents. Mr. Hatch stated this information was totally opposite of what all the Town of Payson's maps showed, so the DSWC requested the Town of Payson to produce the map and to formalize that information; however, the Town of Payson would not comply. Mr. Ploughe then wrote another letter to Ms. Radanovich stating that he was in error and that the water flow does not go to the southwest, but flows as originally stated. Mr. Hatch presented the Board with some

information which included a copy of the map from the Town of Payson that indicates the direction of the water flow, and he noted that this map was produced in 2004, not 1991. He explained that the map shows water coming from the old landfill down to the subject wells. The DSWC asked the Town of Payson how many gallons per minute (gpm) the Town of Payson was planning to produce out of this area. The DSWC was informed by the Town of Payson that the amount pumped would be 649 gpm, but would not exceed 400 gpm in that zone. He stated that the DSWC questioned whether the zone included all of Star Valley or if it was that just one area. Mr. Hatch stated that the Town of Payson Manager, Mr. Carpenter, said the zone comprised all of Star Valley, but Buzz Walker, Town of Payson Public Works Director, disagreed and said it was all of the zone. He noted to the Board that the zone on the Town of Payson's map basically covers the three well areas which is the zone the Town of Payson is talking about, so that leaves it susceptible to the other wells that are in Star Valley, although the Town of Payson's own paperwork contradicted what they had told the DSWC. Mr. Hatch explained that on another document given to the Board, it shows that in the first year the draw down is 128.9 feet, but after the first year the water level would be down 439 feet. All of the wells in Star Valley at this point that are near these production wells are 200 feet at the deepest. That indicates there would be in excess of 80 wells in this area that would be out of water, including the main water supply for all of Star Valley. He stated that the DSWC is quite concerned about the Town of Payson's documentation indicating exactly what DSWC is also saying. The Town of Payson was saying this would not affect anyone's wells; this was a "separate deal." Then Town of Payson came back stating that contamination was not a concern because of the fact that this was a fractured water zone or fractured layer. The Town of Payson provided documentation that shows that from 82 feet down to 320 feet is pink or decomposed granite and from 300 feet to 325 feet is basalt rib fracture, so there is a 5-foot fracture area in there that Payson is calling the fractured water shed. From 325 feet to 850 feet is pink granite

and from 850 feet on down is solid bedrock which does not produce any water. This shows that the Town of Payson's information about it being a fractured water shed is not a valid fact. Mr. Hatch explained that in reading the rest of the information provided, it shows how many gpm were located at each elevation and gives a breakdown that Payson is finding water all the way from 82 feet which is the Star Valley water shed, and using water from the bottom of the pipe has perforated the entire area. The DSWC's next question to the Town of Payson staff was if the Town of Payson contaminates the water in Star Valley what would their plan be; would the Town build a production plant to purify the water? The Town of Payson staff response was that under no circumstances would they do that as it was not the Town of Payson's responsibility if the Star Valley water becomes contaminated. It would be a Gila County matter because the Gila County Board of Supervisors has taken no action on this matter. Mr. Hatch stated that he is not trying to incite anything, but it is the Town of Payson's opinion that if the water becomes contaminated, the taxpayers of Gila County will pay for the cleanup of that landfill, not the people that would be pumping the water out. It is the opinion of the DSWC that the dump site has been there for a long time, and there has not been any measurable contamination in Star Valley from the dump site, but when these huge volumes of water are pulled down that does bring up a concern for the DSWC. In talking with the State, putting a production well within a half mile of that landfill will contaminate Star Valley's water shed. This well site is less than 4/10 of a mile away from the old County landfill site. Chairman Sanchez inquired if this is the proposed well site. Mr. Hatch stated that it is and one is a monitor well and two are production wells. Mr. Hatch advised that there is an agenda item on the Town of Payson's agenda for its upcoming meeting on Thursday, to purchase a well in Star Valley for \$750,000, and the Town of Payson is paying \$300,000 to the developer of this well for upgrading the water line from 8 inches to 12 inches, although the contract states the developer will put the pipe in at no charge. Supervisor Dawson

inquired as to the location of the well that the Town of Payson is proposing to buy. Mr. Hatch stated that on the map the well is located directly to the south, and it is in a separate zone. He believes the Town of Payson is going forward on this purchase to obtain all of the available water from the Star Valley area. Mr. Hatch then called on Chris Benjamin to explain to the Board about well water protection acts that have been taken in other communities around the State. Mr. Hatch stated that the City of Tucson passed a Well Action Wellhead Protection Act which states that any well within a half mile of a landfill will not be used as a production well and any well within a mile of a leaky underground storage tank will not be used. He stated that Star Valley has both of those issues within a half mile of the subject well. The Town of Payson was questioned about this, and the reply was that this is entirely different as this is a fractured aguifer which the City of Tucson has never encountered. Mr. Hatch stated that 5 feet of fracture does not qualify as a fractured aguifer. Mr. Besich wanted to clarify that this discussion is about two different wells; one that is 4/10 of a mile from the landfill, plus the one on the agenda to be purchased by the Town of Payson. Mr. Hatch agreed with Mr. Besich's statement, and he advised that the well to be purchased is on the south side of the highway, and it is almost the same distance from the landfill. Mr. Besich questioned if it would be within the half-mile zone. Mr. Hatch stated that it is within the halfmile zone. Mr. Benjamin passed some handouts to the Board about the Wellhead Protection Guide. Mr. Benjamin believes the Town of Payson is putting Gila County into financial jeopardy by pulling out enough water from beneath the landfill to contaminate the Star Valley water. He reiterated Mr. Hatch's comment that the cost of cleanup will be paid for by all the County taxpayers, which is unfair. He addressed the heavy metals that will come from the landfill into the Star Valley water supply and the testing that is needed. The DSWC was told by a hydrologist that heavy metals is just a portion of what will be found if other testing is done. He stated there are still some things that can be done on the County level, and he hoped the Board of Supervisors would

do one of two things, namely: 1) stop the Town of Payson by way of injunction, and 2) do some extensive studies to see exactly what is happening with the water, and he explained the type of testing that can be done. Mr. Benjamin also stated that they have some studies done by the Arizona Department of Environmental Quality (ADEQ) in 2004, which states that Star Valley is in a hydro-geologically sensitive area and very prone to pollute its own water by septic tanks and gas spills. The ADEQ wasn't talking about contamination by the dumpsite because they weren't aware of the dump when the study was done. ADEQ also agrees with the half mile radius as that is the typical cone of influence—a half mile in each direction from the center of the well. The wells the Town of Payson wants to bring in are 4/10 of a mile away and are within the cone of influence. Mr. Benjamin requested that the Board take some type of action. He stated that according to one of the attorneys for the DSWC, the Board could pass an emergency Wellhead Protection Act without going through the entire process of 180 days, which is the ordinary timeline. Mr. Benjamin hopes the County will do something to protect the Star Valley water and keep it as clean as it has been in the past. He stated that the DSWC feels the danger is in the over pumping proposed by the developer and the Town of Payson. He also stated these two wells are just a small fraction of the picture as there are also seven other wells in the Star Valley area, and as soon as the pipeline is put in the Town will hook up these other wells one at a time and eventually Star Valley will be in a lot of trouble. Chairman Sanchez inquired if the wells Mr. Benjamin has been referring to are outside the Town of Payson limits. Mr. Benjamin replied that all of the wells are located in Star Valley, outside of the Town of Payson limits, and quite a few of them are located at the eastern end of Star Valley. He stated that Buzz Walker claims that the zone only allows so many gallons per minute but won't give them an exact map which outlines the zone. According to a hydrologist who looked at the DSWC's hydrology reports on the safe yield for that area, Mr. Benjamin was told that his personal wells would be dry within six months. In closing Mr. Hatch stated that he hopes the

Board would do something as this is about a landfill that could potentially affect every household in Gila County. Supervisor Dawson stated that Supervisor Martin has been very active on this issue. Supervisor Dawson stated that she attended a meeting on May 5, 2005, and a request was made at that time to look into a Wellhead Protection Act, but that the information has not been received. Supervisor Dawson advised that she does have the information from ADEQ provided by Mr. Hatch. Supervisor Dawson stated, "I cannot imagine, Mr. Chairman, that we can sit back and be on notice that if this water is polluted that the County is the one that will stand as total liability with it and the pollution of it. We know we have the dump there. None of us were alive when the dump started. We've tried to protect it, the County has, by putting a protective coating over it, but that doesn't take care of water being under it and being sucked down, the pollutants being brought down. I don't think we have to be a hydrologist or anyone else to be pretty well informed that this is a definite possibility of liability for the County. And it doesn't seem that a Wellhead Protection Act is a very difficult thing for us to pass. Outside of that half mile, whoever wants to sell a well that's their decision, unless they buy it on private property and don't have easements to get to the highway, which is one of the things they have already tried to do, and we said they can't use a road that doesn't have easements. I feel we have an obligation to protect the County from a large, potential liability." Vice-Chairman Martin inquired of Mr. Stratton, Public Works Division Director, the reports he has received, where the County is in the process, and how the County's testing compares with the Town of Payson's testing. Mr. Stratton stated that in May he asked the County consultant, Richard Petrus, Phoenix Operations Manager of Hydro Geo Chem, Inc. (HGC), to sample the wells. He also asked Mr. Petrus to sample them again last Thursday and compare them with the May test results and Town of Payson's test. Mr. Stratton read the conclusion of Mr. Petrus' report, as follows: "The objective of this report is to determine the likelihood that leachate from the landfill could contaminate the groundwater supplies of down gradient users

and render them unusable. Based on review of the existing data, HGC concludes contamination of down gradient users is very unlikely." Mr. Stratton then read the basis of HGC's conclusion. Mr. Stratton stated that there are two things that need to be noted, namely: 1) the dump was a burn site, not a landfill, which is a great difference, and 2) the dump has an impermeable cover over it which means water cannot penetrate the cover. He asked Mr. Petrus to review the Town of Payson's sample showing high metals, and Mr. Petrus' conclusion was that drinking water wells in Star Valley contain sediment, mostly clay. Sediment in the water would react to metals, but is not indicative of the actual water quality. Mr. Petrus' opinion was that the Town of Payson did not filter the field samples. Mr. Stratton stated, "When you have a nondrinking water well, the sample should be filtered through a 45 micron filter to take out the sediment so there isn't a reaction with the preservative acid to give a false reading of high metal content." Vice-Chairman Martin inquired if the VOC (volatile organic compound) testing was done. Mr. Stratton replied that the VOC testing was done and gave the results for each well as follows: "Review of organic analyses revealed that the groundwater sample from SV-MW-1 contained 1.0 micrograms per liter of chloroform and 2.5 of toluene. The sample from SV-MW-2 had no VOC detections." Mr. Stratton stated the maximum level for contamination is 1,000 upg (units per gallon) for toluene and 100 upg for chloroform and the results are well below those figures. Mr. Stratton advised that he also went one step further and asked Mr. Petrus to compare the May samples with the August samples and to then compare those samples against the Safe Drinking Water Act, which is the most stringent of all testing. Vice-Chairman Martin inquired if the Town of Payson tested the wells. Mr. Hatch stated they were told the Town of Payson has not tested the wells. Mr. Stratton said the Town of Payson's tests were forwarded to Mr. Petrus and Mr. Petrus' opinion was that they had not filtered the field tests which was previously discussed. Vice-Chairman Martin inquired about receiving a copy of the report. Mr. Stratton stated that he received all this information in a rather

large draft report from Mr. Petrus, and he would provide a copy to the Board. Mr. Stratton will present a final report to the Board in approximately two weeks when he receives the August sample test results. Supervisor Dawson inquired of Mr. Stratton if Mr. Petrus had made a projection on the increased usage that the Town of Payson is proposing. Mr. Stratton stated that he spoke to Mr. Petrus on that particular subject, and Mr. Petrus feels the County is not at risk at this time even if the adjacent wells are pumped pretty hard. Mr. Stratton stated, "Mr. Petrus doesn't feel that type of contamination is there. Mr. Petrus has asked for some help from the County Survey Department for some elevations on the two monitoring wells and the production well. It will be established as to what the flow is and the static levels. That information will be given to the Board in the final report." Mr. Stratton stated that Mr. Petrus has a very extensive background in this type of work and is an exceptional geologist and hydrologist. Supervisor Dawson inquired if after the people of the Diamond Star area have expressed their concerns to the Board of Supervisors on pollution of their water supply, and the Board bases its decisions on Mr. Petrus' information, is Mr. Petrus bonded and is the County under contract with him? Mr. Stratton stated that Mr. Petrus is a bonded and registered engineer and geologist, but "I am in no way making a recommendation to the Board, nor is Mr. Petrus. This is only his professional opinion from his experience in the modeling that he has done that the County is not at risk." Supervisor Dawson then inquired of Bryan Chambers, 2nd Chief Deputy County Attorney, "If I base my vote on this Board on information provided by a consultant saying no danger, that's what he's saying, we're saying you folks out in Diamond Star don't have a problem here, if I base my opinion on that and they come back and they find that this heavy pumping that Payson plans to do from there, is the County still liable to the residents of the Diamond Star area for polluting their water?" Mr. Chambers stated: "I'd have to give a very qualified answer and that would be it's going to depend. And as far as actual questions of whether or not the County is going to be liable for one action or another, I'd prefer to discuss

those in executive session. My reason is, and I'm not saying this is going to be the answer, but if I came back saying yes the County could potentially be liable and then, in fact, later on something bad happens and there are lawsuits, I do not want the County, whoever is defending the County in those lawsuits, to have to defend against a claim by the Deputy County Attorney giving advice in an open public meeting, told the Board of Supervisors that they could in fact be liable. As far as specific questions as to potential liability, I think that would be more of an issue for executive session. I think what you'll see in a lot of these areas is it may not be a black and white answer at this point." Mr. Stratton requested that he be allowed to re-read a statement from HGC's conclusion, which states that based on the review of existing data, Hydro Geo Chem, Inc. concludes that contamination of downgrading of users is very unlikely. He also stated that the landfill was closed under Subtitle D of ADEQ and EPA (Environmental Protection Agency) regulations which met all of the closure requirements of 1998. Vice-Chairman Martin questioned if the County does nothing and pumping begins, how soon could movement be detected, a counter to this recommendation? Vice-Chairman Martin also questioned how often the County tests or wants to test, as she wasn't sure if she has enough information at this point to determine if the County needs to move forward on this issue or not as it seems to be speculation and opinion, etc. Vice-Chairman Martin stated, "If it occurs my biggest concern is being ahead of the curve, and if there was change being able to do something at that point." She inquired again about the testing. Mr. Stratton stated that Mr. Petrus takes quarterly samples at the current landfills, and he could be instructed to put these two monitoring wells on a quarterly sampling as well so there would be at least four tests per year and if there was change, appropriate action could be taken. Vice-Chairman Martin inquired if the quarterly tests would be for the two monitoring wells and the production well. Mr. Stratton stated that Mr. Petrus was only instructed to test the two monitoring wells. A static level could be done on the production well to ascertain whether the water is moving up or down. He stated that one

of the Town of Payson's reports said the production well was down 30-40 feet, but when Mr. Petrus did the static, the well was down 10 feet from last year. Chairman Sanchez inquired where the Town of Payson gets its sampling information. Mr. Stratton stated that the County allowed the Town of Payson to test the wells. The County hasn't been monitoring every quarter, but Mr. Stratton has instructed the consultant to do so from this point foward. Chairman Sanchez stated that if the Town of Payson is sampling, the County should be informed. Mr. Stratton stated that the County knew the Town of Payson was testing. The County sampled in May and the Town of Payson pulled a sample in July. Chairman Sanchez showed a letter to Mr. Besich [written by Mr. Besich] and asked if the letter was pertinent at this time. He advised that the Board first realized this was an issue in May when Mr. Hatch and Mr. Benjamin presented this information. Chairman Sanchez stated that based on the information presented today, the Board has determined its responsibilities, and "it appears there may be something else the Board needs to do." Supervisor Dawson stated, "If they [the Town of Payson] went ahead and started pumping, and then we're running these tests every three months, and all of a sudden we discovered that what Star Valley is concerned about is reality and we've just contaminated [unfinished]. That water is going into the [Town of] Payson water system. We're not just talking about Star Valley and robbing Star Valley water, we're talking about contaminating not just Star Valley but the [Town of Payson water system...So we notice that there are contaminants. We let them go ahead and do what they're planning on doing and we have our tests every three months and all of a sudden there's pollutants and the water's contaminated, at that point what would you do? You're [Steve Stratton] the Public Works Director, what are you going to do?" Chairman Sanchez stated that all of the people are residents of Gila County and we need to look at this as objectively as possible. He then asked Mr. Stratton to answer Supervisor Dawson's question. Mr. Stratton replied that he doesn't feel he has enough expertise in this particular field to answer Supervisor Dawson's question. He advised that

should this type of situation occur the County would contract with consultants and experts to provide direction to the County. Mr. Stratton clarified that he was not recommending any Board action; he was simply supplying information to the Board. Steve Besich stated, "One of the problems encountered is the failure to get all three parties together, or even the staffs together. That has led to some of this 'he said' she said' instead of sitting down and calmly try to decipher this very complex issue. If there is going to be additional development and water mining supposedly is going to occur in Star Valley, what will happen to us, I would expect, is [that] we will end up with our own hydrologist, our own hydrology department, our own comprehensive monitoring plan, wellhead protection, an ordinance and a much more detailed program of protection and/or what we'll allow and will not allow if and until the Diamond Star Coalition either forms an incorporated municipality at which time, I believe, it would become their responsibility...I would hope that some time, some how we could get the Town of Payson to sit down with the Star Valley folks along with the Board and be an orchestrated agenda...because I think there's a lot of facts and figures and representations going around out there...there's comments attributed to Gila County that I'm not aware of...I think until we get all the parties together we are going to have to explore different avenues." He stated that if an ordinance is needed, there is a draft that was created by CAAG (Central Arizona Association of Governments) for the City of Tucson so there is a template that would need to be modified for Gila County. Mr. Hatch stated that he was concerned with the fact that the landfill was open 7 days a week, 24 hours a day, and with unmonitored gates from 1980 until the gate was added and operated as a landfill in 1992. He stated, "Until then it was completely open." Chairman Sanchez inquired whether burning took place at the landfill during that period. Mr. Hatch affirmed that burning was done on brush piles as fires were put out twice by the Diamond Star Fire Department. He stated that only brush piles were burned, and were separated from the landfill. He stated, "The garbage there is still intact, not burned." Mr. Hatch advised that he has records to show

that since 1981 the Diamond Star Fire Department responded twice to fires. He stated, "ADEQ would not permit open burning at the landfill. The only thing burned was brush." Chairman Sanchez inquired if Mr. Hatch's records show that an impermeable cover was placed over the landfill. Mr. Hatch replied that it is his understanding that Buckhead Mesa was put in charge of the landfill. He advised that he was present when clay base dirt was put over the top of the landfill with no liner underneath or on top, and that he did not see any liner. Chairman Sanchez stated that the County needs to verify the type of covering on the landfill, which should be included in the ADEQ report. Mr. Stratton stated that he had the report and read the following: "The Star Valley landfill met the small landfill criteria and was permitted to be closed with the alternative final cover system protective of the environment consisting of two feet of soil with a permeability of 10 to the minus 5 centimeters per second or fewer." Mr. Stratton stated that since the time he became employed by the County, the landfill cover was breached, and at that time he got material from Phelps Dodge that was 10 to the minus 7 centimeters per second and it was fixed within 48 hours. Mr. Hatch stated that of the monitoring wells that are stagnant, only two have been tested. He advised that the production well at the County has not been tested. Mr. Hatch believes that the test samples were taken from the monitoring wells, and if anything had moved out from underneath the dump site it would seem to him that it would be the production well. He also stated that it would be the employees of Gila County that would be at jeopardy if there is a contaminant in the water and it would be wise to have it tested. Mr. Hatch stated that he thought that's where the test wells were being done. Mr. Stratton said that the production well isn't using for drinking water. Vice-Chairman Martin inquired if that well is being tested now. Mr. Stratton replied in the affirmative. Mr. Hatch stated that other communities have gone through this situation, so it is not something unique to Gila County; however, they did not wait until it was too late, and instead ordinances were adopted for protection. Mr. Hatch requested that the Board

look at the draft proposal of the guide and impose it to protect all of the taxpayers. He's concerned about the issue that if the well becomes contaminated the Town of Payson will shut down the well. He stated, "It's better to protect it before it becomes contaminated." Vice-Chairman Martin stated that in a Payson Roundup newspaper article, it said that the DSWC said that Gila County now admits that the closed landfill near Horton's well in Star Valley would cause contamination if too much water is extracted. She inquired as to the name of the Gila County employee who supposedly made that statement because she does not think the Board has enough information. Mr. Hatch stated that the DSWC did not make that statement to his knowledge. Mr. Hatch inquired as to the name of the individual who wrote the article. Vice-Chairman Martin advised that it was Jim Keyworth. Mr. Hatch stated, "Mr. Keyworth has been trying to stay on top of the story, but for clarification everything he's written has not been accurate—on both sides." He does not know of anyone from the County who has informed the DSWC that the landfill is contaminated. He acknowledged the letters sent from Mr. Ploughe to the County indicating that the Town of Payson's records show that the wells are contaminated and the County should be monitoring them. Vice-Chairman Martin also stated that in a guest column of the August 9th Payson Roundup, there was an article written by Bruce Griffin "shooting" at Mr. Benjamin and she wondered if it was true. She advised that it was in reference to a meeting held in May 2004 between Bruce Griffin, Mr. Horton and Mr. Benjamin in which Mr. Benjamin stated that he wanted to sell his well to the Town of Payson, but that Mr. Horton "beat him to it." The article stated that a large part of Mr. Benjamin's anger and personal attacks on Mr. Horton may stem from being upset at not being able to sell his well to the Town of Payson. Mr. Benjamin stated, "I never tried to sell my well to the Town of Payson. Back in March 2004 I went to Buzz Walker and told him when they are test pumping over there it affects my well and gave him the static levels. He assured me that if they are communicating that fact the Town [of Payson] could be sued for it. And in the

same conversation I said if a person wanted to sell water to the Town [of Payson] what do you have to do? And I was fishing for information. I never said I want to sell you my well, or would you be interested in buying my well. I wanted to know what the mechanics were behind it. And he never would say anything other than write something up and give it to me and I'll give it to my council. And that was the end of it. And Bruce Griffin is also a partner with Mike Horton. So now you know where it's coming from. They're trying to divide us." Mr. Hatch stated that on the internet under the category of corporations, it shows that Mike Horton sits on Bruce Griffin's LLC (limited liability corporation) as a Board member, and Bruce Griffin sits on Mike Horton's LLC as a Board member, so the DSWC believes there is some bias. He stated that Mr. Griffin is also a developer and is expecting to get some of this water that will be coming out of Star Valley. Supervisor Dawson stated that she believes Mr. Besich has made a good suggestion that the three organizations should try to meet, and she asked if he could set up that meeting sometime in early September. Supervisor Dawson stated, "If [the Town of] Payson again refuses to meet, I think that puts us on notice of what they are about, and in the meantime I would like to request that staff prepare and look into this Wellhead Protection Ordinance and whether we have need of it with that old landfill." Chairman Sanchez stated that he agreed as far as trying to get the Town of Payson, the DSWC and the County to meet. He stated that the County has a water attorney, and Harry Jones, who has been working with the County and very familiar with what is going on, as well as Mr. Petrus and all of the other staff. He stated that the Board needs to obtain information from all involved parties prior to the meeting as the Board needs to have the facts exactly as they relate to the situation. Supervisor Dawson stated that over a month ago, she sent a letter to Mr. [David] Kennedy with some questions about these issues, and thus far she has received no answers. She stated that Mr. Kennedy has billed the County for opinions that he has prepared and discussions he's had regarding Star Valley; however, he has not provided her with any information. Supervisor Dawson inquired if Mr.

Jones is part of the Mogollon Rim organization which is paid \$150,000 by the Town of Payson. Vice-Chairman Martin stated that there is a group called the Mogollon Rim Water Resources Management Study (MRWRMS), which is a Bureau of Reclamation driven study of the water in that entire area. The Town of Payson, Gila County, and the Bureau have each invested money in this study, and Vice-Chairman Martin clarified that it is not a Town of Payson driven group. Supervisor Dawson stated that the Town of Payson is paying \$150,000 into that group, a part of which is paid to Harry Jones. Vice-Chairman Martin stated that Mr. Jones works for Gila County, but is unsure whether he works for the Town of Payson. She clarified that Mr. Jones is a member of that group representing the County. Supervisor Dawson again addressed her concern as to the reason Mr. Kennedy hasn't responded to the questions submitted to him in writing. Chairman Sanchez stated that he doesn't know the reason, but perhaps it is Mr. Kennedy's understanding that since he was hired by the Board, that he would respond to the entire Board. He stated that all of these questions need to be answered by Mr. Kennedy and Mr. Jones so the Board doesn't to go to a meeting and get into anymore "he said/she said" type of situations as this is a very serious concern to both the DSWC and the people of the Town of Payson. Chairman Sanchez inquired whether a contact person needs to be designated to represent the County should be for the County and at which time the Board should take such an action. He asked Mr. Besich if he would recommend Harry Jones as the County's contact person. Mr. Besich offered to draft a letter on behalf of Chairman Sanchez inviting the DSWC and the Town of Payson to meet with the Board of Supervisors. Mr. Besich stated that the reason he suggested Harry Jones as the County's contact person is because Mr. Jones is available in Payson, represents Gila County, and is well respected by the DSWC and the Town of Payson. Mr. Hatch and Mr. Benjamin disagreed. Mr. Besich stated that it was his understanding that Mr. Jones was leading the DSWC and the Town of Payson on various water issues. He stated, "If Mr. Jones is not the right guy, then I don't know who is, and if there is a problem with Harry Jones, then the County needs to know that." Supervisor Dawson stated, "I have a quote that Harry Jones turned in with his bill, and he is concerned that I am meeting with the Coalition [DSWC] and felt that negated some lack of unbiased [unfinished]." Supervisor Dawson advised that she would later provide the Board with a copy of the written statement. Chairman Sanchez stated that he would entertain a motion to proceed with a letter from the Board or Chairman to the DSWC and the Town of Payson requesting a meeting "to try to get some of these items resolved or at least get all three parties at the table at one time." Vice-Chairman Martin stated this is a very serious issue and there is not enough groundwater in all of Arizona to pollute one bit. Vice-Chairman Martin advised that she had tried to get the parties together in the past and it worked to a point; however, further steps need to be taken. She stated that the Board needs definitive information on this issue and many decisions need to be made, but she's not sure whether today is the day those decisions should be made. She expressed appreciation for the information presented by Mr. Hatch, Mr. Benjamin, and Mr. Stratton. Vice-Chairman Martin stated, "I don't want to do anything that pollutes groundwater. I mean not anything. But I also know that we should be rather careful about what steps we take because do I want to put us into the position of taking private property rights away from anyway without very good information." She agreed that a meeting should be scheduled in September or October. Vice-Chairman Martin made the motion that the Board direct County staff to go to the steps necessary to put together a meeting of all these parties involved, as soon as possible, and look into this further to see if there is a need for a workshop, Board meeting or whatever steps the staff feels are necessary to bring everyone together to get this information. The motion was seconded by Supervisor Dawson, who then asked if Mr. Benjamin could speak. Mr. Benjamin requested that the County have a hydrologist present at the same meeting to decipher truth and fact on the information, or he felt the meeting

would be useless. Vice-Chairman Martin stated that this would be noted. The motion was unanimously approved by the Board.

Steve Sanders, Public Works Division Deputy Director, presented a request to accept or reject a Citizen's Petition to begin the process to designate Nell Drive as a Country Dirt Road. He stated that although the County has not done any surveys on this road, it does meet the criteria for a Country Dirt Road. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously accepted the Citizen's Petition.

Mr. Sanders presented a request to accept or reject a Citizen's Petition to begin the process to designate an unnamed road off of Golden Hill Road as a Country Dirt Road. He stated that the petition was submitted by the Williams family. Although the road is currently unnamed, it does meet the criteria for a Country Dirt Road. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously accepted the Citizen's Petition.

Steve Stratton, Public Works Division Director, requested authorization to advertise Call for Bids No. 072505-01 for the purchase of Chips, AB and Asphalt. He stated the current contracts expire at the end of the month, and this is a request to advertise for bids. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously authorized advertising Call for Bids No. 072505-01.

Dr. Hellen J. Carter, Probation Services Director, requested the approval of the Project Safe Neighborhoods Grant Award from the U. S. Department of Justice in the amount of \$46,000 to commence on July 1, 2005, and terminate on June 30, 2006. She stated that Gila County has a combined department for adult and juvenile probation consisting of 31 officers that are case-carrying officers, and 4 of those are supervisors who not only supervise staff, but also carry cases. Dr. Carter stated that across Arizona, adult and standard probation caseloads are to be capped at 65 cases to 1 officer, juvenile cases are capped at 35 to 1, and intensive probation for adult/juvenile are capped at 25 to 1. She stated that in Gila County the caps cannot be observed because the

County has more clients than it has probation officers, and unless there is additional funding, she must run the department with the current staff. Dr. Carter stated that the client to staff ratio has been 80-90 to 1 for the adult level, 55 to 1 for juveniles in Globe, and a little less in Payson. She stated that the State of Arizona determines the number of probation officers based on an aggregate of all the clients for the entire County, so Globe is over-cliented compared to Payson. Dr. Carter stated that her department's mission and goals are as follows: 1) protection of the community; 2) ensure that the rulings of the court are upheld; and 3) offenders should be allowed to get competencies and skills in order to keep them out of the court system. Given the high number of cases, there is little time or ability to pursue those individuals who ignore the orders of the Court and end up with warrants for their apprehension. At the time Dr. Carter requested the Grant, she advised there were 289 adult absconders and 12 juvenile absconders. Probation officers were putting in their 40 hours per week dealing with the existing clients, and if there was any additional time, they were attempting to locate absconders. She stated that two probation officer positions are funded by the County with the remainder being funded either by the State or the Administrative Office of the Courts, or by fees that come into the Probation Department. Dr. Carter stated that overtime, under the Fair Labor Standards Act, must be paid at 1-1/2 times the hourly wage for any time worked over 80 hours in a two-week period, and the State has not always been receptive when asking for additional monies for overtime. She stated that if time off is allowed for overtime, this exacerbates the problem, so the probation officers are always playing catch up, because additional clients continue to come into the system. Due to this situation, her department needed the ability to go after the absconders to make the community safe, to hold the offenders accountable, to allow the probation officers an opportunity to bring these people before the courts, and to allow the citizens of Gila County to come to the realization that her department is serious about these offenders. She stated that there are not sufficient County funds,

so she is requesting permission to apply for this Grant through the U.S. Attorney's Office, which is administered through the Arizona Criminal Justice Commission. Dr. Carter stated that she found this Grant on Friday afternoon, which was due the following Monday. Of the \$46,000 Grant funds requested, \$43,500 would be used to pay for overtime for 6 officers per month and 2 supervisors, which will be spent only on searching for absconders, and this amount would be over and above their 80-hour pay period. The other \$2,500 would be used for safety equipment and training for developing specialized skills. There is no matching fund requirement. On behalf of the Board, Chairman Sanchez thanked Dr. Carter and her staff for their very important work. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved the Project Safe Neighborhoods Grant Award in the amount of \$46,000.

Steve Besich, County Manager/Clerk, requested approval of a request by the Globe Rotary Club to utilize the Fairgrounds Exhibit Hall on October 13, 2005, for a Round Dance Exhibition/Open Ballroom Dance with a waiver of fees. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved the request by the Globe Rotary Club with a waiver of the fees.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved Consent Agenda items A-H, as follows:

- A. Approved the re-appointment of Supervisor Shirley Dawson to the CSA (County Supervisors Association of Arizona) Legislative Planning Committee from July 1, 2005, to June 30, 2006.
- B. Approved a Special Event Liquor License Application submitted by Whispering Hope Ranch Foundation to serve liquor at the Foundation's grand re-opening on September 17, 2005.
- C. Approved Amendment No. 8 to a Management Operating Agreement between the Gila County Sheriff's Office and ARAMARK Correctional Services, Inc.

- adding the Gila County Jail juvenile population as part of the services to be provided by ARAMARK.
- D. Authorized the signatures on an ASAP (Automated Standard Application for Payments) System Officials Authorization Form which designates Jose Sanchez, Richard Gaona and Steve Stratton as the County officials who will participate in the ASAP System in order to utilize funds from the USGS National Geodetic Survey Grant that was awarded to Gila County.
- E. Approved the August 9, 2005, BOS meeting minutes.
- F. Approved the July 2005 monthly departmental activity reports submitted by the Clerk of the Superior Court and Recorder.
- G. Approved the personnel reports/actions for the week of August 22, 2005.

August 22, 2005:

Departure from County Service:

- Teen Court Secretary Probation 08-26-05 Diversion Consequences
 Fund Danielle Goebel Hire 09-08-04 Resigned to attend school
- File Clerk Child Support 08-05-05 General Fund Ian Pitterle –
 Temporary position

Hire to County Service:

- One Stop Disability Specialist Community Services 08-22-05 Grant
 Fund Catherine Levario replaces Kelli Robbins
- Training Specialist III Community Services 08-22-05 Grant Fund -DeeJaye Poarch

Temporary Hire to County Service:

Clerk Receptionist – Health Services – 08-16-05 – Health Services Fund Vera Nock

End Probationary Period:

 Calendar Administrator – Superior Court – 08-22-05 – General Fund -Susan Williams

Position Review:

- 7. Change fund codes Clerk County Attorney 07-11-05 General Fund to A.G. Victim Rights fund Danielle Palmer
- 8. Salary Market Adjustment County Attorney 08-22-05 General Fund Office Manager – Jan McGann

Assistant to Office Manager - Misty Price

Legal Secretary I – Patricia Johnson

Legal Secretary III - Garland Moran

Receptionist – Gayle Dossey

Legal Secretary I – Tina Reyes

Legal Secretary I – Tamora Zappela

Legal Secretary I – Minda Thompson

Legal Secretary III – Jessica Cruz

Legal Secretary IV – Donna Puhara

Executive Secretary - Linda Soderman

Legal Secretary II – Janie Bennett

- 9. Salary Market Adjustment Legal Secretary I County Attorney 08-22-05 – General/A.G. Victim Rights fund – Cheryl Sluyter
- Salary Market Adjustment Legal Secretary II County Attorney –
 08-22-05 General/A.G. Victim Witness fund Cathy Phillips
- Salary Market Adjustment Child Support 08-22-05 General Fund –
 Secretary Athena Boykin
- Salary Market Adjustment and Change Fund Codes Legal Secretary II
 County Attorney 08-22-05 General Fund to Deferred Prosecution
 Fund Nancy McBride
- Salary Market Adjustment Child Support 08-22-05 General Fund
 Child Support Office Manager Beverly Puhara

Child Support Supervisor – Janice Sue Asberry

Child Support Supervisor – Becky Barajas

Child Support Caseworker – Regina Montolla

Child Support Caseworker - Michelle Holland

Child Support Caseworker - Stephanie Canisales

Child Support Caseworker - Vicky Cruz

Child Support Caseworker - Cynthia Aguilar

Child Support Caseworker - Betty Casillas

Child Support Caseworker - Tammy Guevara

Child Support Caseworker - Maria Rasmussen

Child Support Caseworker - Lisa McCormack

Anniversary Date Increase – 08-22-05 – Keith Van Zile, Pablo Lopez,
 Ray Garcia

SHERIFF'S PERSONNEL ACTION ITEMS

Hire to County Service:

- 15. Detention Officer Globe S.O. 08-22-05 General Fund Sonia Kovar
- Detention Officer Globe S.O. 08-22-05 General Fund Jonathan
 Destea

Departmental Transfer:

- 17. Road Maintenance Worker II Consolidated Roads to Detention Officer
 Globe S.O. 08-22-05 General Fund Derryl Meeks
- H. Approved the finance reports/demands/transfers for the week of August 22, 2005. (separate handout).

August 22, 2005:

\$495,925.65 was disbursed for County expenses by voucher numbers X146832 through X146875, X146877 through X146891, X371470, X371953 through X371965, X371967 through X372278. The hand-issued warrants listing is as follows: voucher number X371950 in the amount of \$791.11, X371951 in the amount of \$208.00, and X371952 in the amount of \$127.90.

Joe Mendoza, Community Services Division Director, presented the results of a study conducted on the County's building permitting process by L.L. Decker and Associates for the Community Development Division. He stated that Mr. Decker had previously completed a similar study for the Town

of Payson. The study began in January 2005 and was just completed. It was initiated to determine how the Community Development Division, Building Safety Department, permit-related customer service might better serve customers. He then introduced Lance Decker of L.L. Decker and Associates and Teresa Makinen, Associate. Mr. Decker stated that this was an exhausting study that had some interesting turns and twists, and because of predicted future development and his perceived upcoming growth explosion in this area, he felt this study was very important to the County for creating strategic direction. He stated that various other Gila County entities that also participate in the permit-related customer service and are a part of this report include the Engineering Department (floodplain, grading right-of-way), Environmental Health Section of the Health Department (alternative waste systems, perc test, standard septic systems, and wells), and the Community Development Division (Building Safety Department and Planning and Zoning Department). He then gave a PowerPoint presentation on the recommendations regarding current business practices and possible improvements for the future. 1) The project objectives included the following: a) identify difficulties within the building permit process; b) create a list of possible changes to improve services; and, c) improve communication with the stakeholder community. 2) The following questions were used as the basis for all research: a) What has your experience been with the Community Development Division and the Building Safety Department? b) If you've had experience with other permitting, inspection and plans review agendas, how does the Gila County Building Safety Department compare? c) What does the Building Safety Department do well? d) If you could change one thing about the Building Safety Department, what would that be? and, e) What might the Building Safety Department do to promote helpful and needed changes? 3) The following primary issues were identified as follows: a) difficulty in getting things through the County; b) delays in the permitting process; c) lack of understanding of the County's development process by internal and external

users; d) lack of a clear, easy-to-understand road map of the process; e) lack of clear communications between the County and the stakeholders; f) a list of frequently asked questions might help users avoid difficulties; g) there's a gap between the actual process and perceptions of the process; and h) County staff is doing a good job considering the amount of territory being covered and the limited personnel available. 4) The interviews were conducted with the following people: a) Tier 1 consisted of John Nelson, County Manager at the time, and Chairman Sanchez, along with other department heads and these people were also asked for the names of others who should be contacted, whereby they compiled a list of 30 more people; 2) Tier 2 were telephone interviews conducted by his Associate, Teresa Makinen, which resulted in poor responses, so a second round of telephone interviews were conducted; 3) a written survey was mailed, and that data was compiled and a meeting was held with Chairman Sanchez; 4) public meetings were held with 4 focus groups for 3 days in a row of which two meetings were held in Payson with 10 participants and two meeting were held in Globe with no participants, even though personal invitations were given to all stakeholders/contractors, as well as notifications being placed in the newspapers and on the radio; and 5) a written survey was placed on the County website as well as being placed in all County public libraries, community centers and the Building Safety Departments. Mr. Decker then called on Ms. Makinen to speak. She contacted individuals and told them about the survey that was available, and the survey was also mailed out to every registered contractor in the County. In spite of the huge campaign, Ms. Makinen stated that this resulted in only 22 surveys received which was surprisingly low. That data was then compiled into the report. Mr. Decker stated that the following results were received in the order of importance:

• Clear time frame for performance - Mr. Decker stated that if Mr. Mendoza and staff could guarantee a time frame for performance that would probably resolve a lot of complaints. Mr. Decker's recommendation was that the

- County should figure out the time needed to produce the plans and double it, and inform the customer that would be the absolute, not to exceed, out time.
- Permitting delays Mr. Decker stated the delays occurred not just in the Building Safety Department, but throughout other departments involved in the process. He stated there are 3 or more functions that are involved with building permits. He believes one of the problems is that people believe the Building Safety Department is in control; however, Mr. Mendoza and staff have to give those materials to other departments which include the Flood Plain Department, the Health Department, a District Fire Department and others that could clog up the time frame. When people walk into the Building Safety Department it is perceived to be a one-stop shop, but right now it is not and whether that could be developed is a problem because of the remote distances.
- Consistency of review Mr. Decker stated that one of the concerns is when one person reviews the permit application, there is one set of criticisms, and when another person reviews it there is another set of criticisms. He stressed the importance of one concise permitting process, so if a problem occurs, everyone will see the same problem.
- Update the Building Code Mr. Decker stated that updating the Building Code could be very helpful. He stated that the current Building Code is dated, and a lot of jurisdictions are going to an international code that is much more uniform across the Board, so that regardless of the area, the same Building Code would apply. This was a little controversial, but most people think it should apply. Chairman Sanchez inquired about the County considering adopting the Arizona State Fire Code and a discussion ensued on the fire and Building Code requirements. Mr. Mendoza stated that the State Fire Marshall has just adopted the 2003 International Fire Code, which applies to all commercial buildings in Gila County and is enforced. He stated that for residential construction, the fire codes are adopted by each individual fire district. Mr. Mendoza stated that the Building Code and Fire

Code overlap each other, so if the Building Code is met, a builder has probably met the Fire Code. There are some areas in the County that have no fire districts, so the Building Code applies. Supervisor Dawson inquired if the County currently has the International Code. Mr. Mendoza stated that the County is currently using the Uniform Building Code from 1991, and the timeline for changing to the International Code will be in November, after it is approved by the Gila County Planning and Zoning Commission and thereafter by the Board. Mr. Decker recommended working with the public to advise them of the change to the International Code.

• Primary issues which include staffing, facilities, equipment, communication, and process coordination - Mr. Decker stated that under staffing there is a need for more staff, training and education, as well as cross-training for flexibility and growth, attracting people who are already qualified to do these jobs and allowing the present staff the opportunity to grow and being giben higher pay. He stated that under facilities, there is a need to look at how staff is assigned, considering there is both a Globe office and Payson office, which seems to be working pretty smoothly. He stated that usually the complaints are highest about the building inspections and inspectors, but he received very few comments regarding that area. Mr. Decker stated that under equipment, there are opportunities to move to electronic information systems especially between departments. Once these systems are fully implemented, even someone from the outside would be able to get information from their office and know the status of their permit at any time. He stated that under the area of communications, there should be constant communications with the stakeholders, such as holding meetings every three months with builders and developers in both Globe and Payson to provide an update on new phases and changes, and to also obtain input on problems. A meeting of this nature could eliminate a lot of issues. There is a need for unifying messages Countywide with consistent messages. There should also be clear, frequent and timely communication, perhaps by making more use of the County website. Under process coordination, Mr. Decker stated that other County departments should be included in the process coordination, and there should be public outreach to make sure the people understand that Gila County is a good place. He stated that Gila County as a whole is getting a bad rap and the County needs to tell its message more and that the people are getting quite a lot for their tax dollars. In concluding his presentation, Mr. Decker gave the following recommendations: 1) Clearly define/communicate the process; 2) better preparation for future growth; 3) customer permit advocate; 4) expand plans to review minor corrections list; 4) consider alternative processes; 5) improved support/communication with elected officials whereby the elected officials/supervisors could refer complaints back to the Building Safety Department; 6) increased staffing; 7) updated Building Codes; 8) public information component; 9) cross-training of staff; 10) internal systems implementation; and, 11) enhanced physical facilities. He stated that the County has a good operation, but it's a system that needs to be fixed. There are also some personnel issues that need to be addressed. Mr. Decker stated that he sent a memo to Mr. Besich and Mr. Mendoza on those issues. He stated that the processes reviewed are "not broken," but Mr. Mendoza now needs to sit down with his staff and go over the recommendations and develop detailed information. Ms. Makinen also stated that many people think the permitting process is only done by the Building Safety Department, so there needs to be more coordination in the future between the other departments. Clients also need to be informed of where the process starts and what other departments will be involved in order to get the final product. Chairman Sanchez inquired about the concerns regarding fees. Mr. Decker stated that the fees are discussed in another report. He recommended that fees be charged based on full cost recovery. The General Fund subsidizes the building permit processes. He stated, "In terms of growth, the County hasn't even started up the curve. So development fees, development permit fees and processing fess could be set

that would fully recover the costs of the Building Safety, Flood Plain and Health Department costs. A financial assessment should be done on what those costs are and will be." Mr. Decker stated that nobody will be happy with those recommendations; however, the process can be started by going to the public and telling them that if they believe that growth pays for itself, then there is a need to start with full cost recovery of fees. He stated that another possibility is to implement a fast track process where some people see that time is more important than money and would be willing to pay a higher fee to obtain faster results. An outside contractor could be hired to handle the fast track process work. Chairman Sanchez thanked Mr. Decker and Ms. Makinen for their presentation.

Bryan Chambers, 2nd Chief Deputy County Attorney, presented information regarding a proposed settlement with Eagle West, LLC (Case No. 03-bk-02530-RJH) Chapter 11 Case.

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board convened into Executive Session at 12:39 p.m. to address this issue.

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board reconvened into the Regular Session at 12:50 p.m.

Supervisor Dawson made the motion for the Board to accept the proposed settlement offer on the \$4,231.05 owed to Gila County, in the amount of \$2,820.67. Upon the motion being seconded by Vice-Chairman Martin, the Board unanimously accepted the proposed settlement offer of \$2,820.67.

At this time each Board member and the Chief Administrator were presented the opportunity to give a brief summary of current events as allowed by A.R.S. §38-431.02(K).

There being no further business to come before the Board, Chairman Sanchez adjourned the meeting at 1:00 p.m.

Jose M. Sanchez, Chairman

ATTEST:	
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Steven L. Besich, County Manager/Clerk	ζ.